

REMARKS/ARGUMENTS

The Office Action of August 26, 2003 has been carefully considered.

It is noted that claims 1-3, 5, 6, 8 and 10 are rejected under 35 U.S.C. 103(a) over Swiss reference 564330 in view of PCT reference WO 95/8271 to Stewart, further in view of Japanese reference 2000004827 to Inoue, German reference 19525519 to Brouns-Heitmann, Netherlands reference 8403182 to Hoogeveen and Japanese reference 2000-152757 to Yoshifuji et al., further in view of Times article dated November 1, 1997 and the patent to Gajafwski.

Claim 4 is rejected under 35 U.S.C. 103(a) over the references applied to claim 1, and further in view of the patent to Bryan.

Claim 7 is rejected under 35 U.S.C. 103(a) over the references applied to claim 1, and further in view of the patent to McDonald in view of a Washington Times article dated June 27, 1991.

Claim 9 is rejected under 35 U.S.C. 103(a) over the references applied to claim 1, and further in view of the patent to Newsteder.

Claim 11 is rejected under 35 U.S.C. 103(a) over the references applied to claim 1, and further in view of the patent to Henderson and the patent to McClosky.

In view of the Examiner's rejections of the claims applicant has canceled claims 6 and 7, added new independent method claim 12 and amended independent claim 1.

It should be mentioned that independent claim 1 specifically recites an edible candy makeup composition having either a chewing gum base or a chewing gum base with an edible coating. The chewing gum or the base, or both are provided with vitamins. The claimed invention provides a chewing gum base product containing vitamins that imitates real makeup.

It is respectfully submitted that claims presently on file differ essentially and in an unobvious, high advantageous manner from the construction disclosed in the references.

Applicant has reviewed the numerous references which the Examiner combined in rejecting the invention. Applicant respectfully submits that there is no motivation for combining the eight difference references as suggested by the Examiner in rejecting independent claim 1. There is even less motivation for combining the additional two references (for a total of nine) in

rejecting claim 7. The Applicant respectfully submits that such a large number of references requires that there be some motivation for making the combination.

Even if the references are combined it is respectfully submitted that they do not teach the chewing gum based candy make-up composition as recited in the claims presently on file. Relative to the chewing gum the Examiner cites McDonald and the Washington Times article of June 27, 1991. Applicant respectfully submits that it would not be obvious to combine these references since the Washington Times article deals with a stage production wherein lipstick made of candy is eaten by one of the players. Clearly there is no motivation, nor would it be desirable, to make the lipstick out of chewing gum since it would not be desirable for an actor to have chewing gum in his mouth on stage once the lipstick eating scene is completed. Thus, the Washington Times article teaches away from the present invention.

Therefore, it is respectfully submitted that it would not be obvious to combine the references as argued by the Examiner.

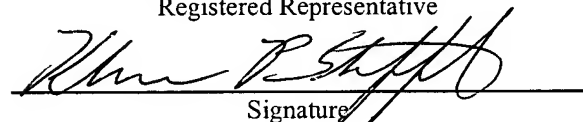
In view of these considerations, this respectfully submitted that the rejections of the claims under 35 U.S.C. 103(a) are overcome and should be withdrawn.

Reconsideration and allowance of the present application are respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 26, 2004:

Klaus P. Stoffel

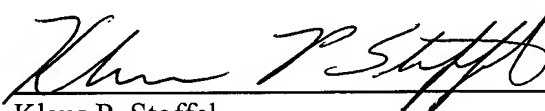
Name of applicant, assignee or
Registered Representative


Signature

February 26, 2004

Date of Signature

Respectfully submitted,



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